

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CLARENCE B. ROSS, SR.

v.

LOCAL UNION 3406

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CIVIL NO. CCB-01-2064

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FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

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APPROPRIATE
DEPUTY

MEMORANDUM

On February 22, 2001, this court entered summary judgment in favor of the City of Annapolis on a claim for race and age discrimination brought against the City by Clarence B. Ross, Sr. The judgment was upheld on appeal by the Fourth Circuit. While the appeal was pending, Mr. Ross filed a “complaint” in this court, acting pro se, against AFSCME Local Union 3406 for failing to represent him properly in connection with his termination by the City.

The Union has filed a Motion to Dismiss, asserting insufficiency of process, lack of personal jurisdiction, and lack of jurisdiction over the subject matter. Mr. Ross filed a response. Upon considering the parties’ papers, the court agrees that it lacks subject matter jurisdiction. The City of Annapolis, as a political subdivision of the State of Maryland, is not an “employer” under the Labor Management Relations Act (“LMRA”), 29 U.S.C. 185 et seq. Strasburger v. Board of Educ., 143 F.3d 351, 359-60 (7th Cir. 1998); 29 U.S.C. 152; see also NLRB v. Natural Gas Utility Dist., 402 U.S. 600, 603-05, 91 S.Ct. 1746, 1749-50 (1971). In addition, it appears that Mr. Ross has failed to accomplish proper service on the Union.

11

Even if it were permissible to reach the merits, it seems unlikely that Mr. Ross could prevail, in light of the court's ruling in his earlier case against the City. Accordingly, his suit will be dismissed. A separate Order follows.

4-15-02

Date

A handwritten signature in black ink, appearing to read "C. Blake", written over a horizontal line.

Catherine C. Blake
United States District Judge